

REMARKS/ARGUMENTS

Applicants submit this Amendment, accompanied by a Petition for Extension of Time, in reply to the Office Action mailed April 22, 2003.

In this Amendment, Applicants propose to amend the Abstract of the Disclosure.

Before entry of this Amendment, claims 39-57 and 67-80 were pending in this application. After entry of this Amendment, claims 39-57 and 67-80 remain pending in this application.

The originally-filed specification, claims, abstract, and drawings fully support the proposed amendments to the Abstract of the Disclosure. No new matter was introduced.

In the Office Action, the Examiner rejected claims 39-45, 47-57, and 74-80 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 0,990,392 to Rowley ("Rowley") taken with U.S. Patent No. 3,356,553 to Frazier ("Frazier"); rejected claims 67-69 under 35 U.S.C. § 103(a) as being unpatentable over Rowley taken with Frazier, and further in view of U.S. Patent No. 3,580,781 to Hollis et al. ("Hollis"); rejected claims 70 and 71 under 35 U.S.C. § 103(a) as being unpatentable over Rowley taken with Frazier, and further in view of U.S. Patent No. 4,743,322 to Holroyd et al. ("Holroyd I") and U.S. Patent No. 4,983,239 to Holroyd et al. ("Holroyd II"); rejected claims 72 and 73 under 35 U.S.C. § 103(a) as being unpatentable over Rowley taken with Frazier, and further in view of U.S. Patent No. 4,963,207 to Laurent ("Laurent"); and allowed claim 46.

Applicants respectfully traverse the Examiner's rejections for at least the reasons discussed in this Amendment.

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Allowed Claim

Applicants gratefully acknowledge the Examiner's statement that claim 46 is allowed.

Right of Priority and Benefit

Applicants note that the Office Action expressly acknowledges Applicants' claims to the right of priority under 35 U.S.C. § 119(a) - (d) based on patent application No. 97830633.0, filed November 28, 1997, in the European Patent Office.

However, in a Preliminary Amendment filed June 5, 2001, Applicants also claimed the benefit under 35 U.S.C. § 120 based on parent U.S. Patent Application Serial No. 09/198,241, filed November 24, 1998, in the U.S. Patent and Trademark Office ("USPTO") and the benefit under 35 U.S.C. § 119(e) based on prior-filed, copending provisional application No. 60/098,380, filed August 28, 1998, in the USPTO. And, in an Amendment filed January 30, 2003, Applicants requested that the Examiner expressly acknowledge Applicants' claims to the benefit of both the parent and provisional applications in the next paper mailed from the USPTO.

Applicants renew their request that the Examiner expressly acknowledge Applicants' claims to the benefit of both the parent and provisional applications in the next paper mailed from the USPTO.

Section 103(a) Rejections—Independent Claims

To establish a prima facie case of obviousness under 35 U.S.C. § 103(a) using multiple references, each of three requirements must be met. First, the references, when combined, must teach or suggest all the claim limitations. M.P.E.P. 2143.03 (8th ed., Rev. 1, Feb. 2003). Second, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to combine the references in a

manner resulting in the claimed invention. M.P.E.P. 2143.01 (8th ed., Rev. 1, Feb. 2003). Third, there must be a reasonable expectation of success that the proposed combination would work for the intended purpose. M.P.E.P. 2143.02 (8th ed., Rev. 1, Feb. 2003). Moreover, the second and third requirements “must both be found in the prior art, not in applicant’s disclosure.” M.P.E.P. 2143 (8th ed., Rev. 1, Feb. 2003).

In the Office Action, the Examiner alleges that “Rowley does indicate clearly that there is partial overlap at the sides but does not clearly indicate whether or not there is overlap also at the crown.” (Office Action, p. 3/¶ 2) (emphasis added). Applicants strongly disagree. Rowley contemplates only overlap by at least part of the crown portion of each successively laid strip on the crown portion of the previously laid strip.

Rowley repeatedly uses the term “spiral” to describe the laying of its friction fabric. (See, e.g., Rowley, p. 1/l. 36, p. 2/l. 94, p. 2/l. 97, and p. 2/l. 123). Additionally, Rowley states that “the strip is smoothly laid in place, not only initially but in its subsequent disposition, partially upon the mandrel and partially upon itself, due to its spiral-wise application to the mandrel as the latter is smoothly rotated.” (Id., p. 3/l. 15-20) (emphasis added).

Spiral-wise application as the mandrel is smoothly rotated implies overlap by at least a part of the crown portion of each successively laid strip on the crown portion of the previously laid strip. This is true, in particular, because if the crown portions of two successively-laid strips were side-by-side at one end of the crown, the spiral-wise application during smooth rotation of the mandrel would result in a gap between the two strips at the other end of the crown.

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In contrast, the side-by-side relationship claimed in the present invention is not the result of a spiral-wise application and cannot be achieved by a smooth rotation of, for example, toroidal support 11 relative to movable carriage 21 and the at least one distributor element 22.

In the Office Action, the Examiner also alleges that Frazier provides evidence that “either overlapped or abutted strips in the crown region are both suitable and effective carcass constructions.” (Office Action, p. 3/¶ 2) (emphasis added). Applicants again disagree. Applicants submit that Frazier cannot be fairly read to disclose more than the edge portions abutting in the immediate vicinity of the equatorial plane of the tyre.

Frazier discloses that the “cords of the superposed first and second layers of strip material at the side walls are in crossing relation and form reinforcing structures of superposed plies at the bead rings of generally triangular configuration.” (Frazier, c. 3/l. 66-69) (emphasis added). As shown in Figs. 4-11, the overlap of these superposed plies generally decreases toward the equatorial plane of the tyre, approaching “a single ply thereat.” (Id., c. 5/l. 63 - c. 6/l. 2). Also, the several edge portions may be in “abutting relationship at the crown.” (Id., c. 6/l. 32-33) (emphasis added). Although this may be fairly read to disclose that the edge portions may abut in the immediate vicinity of the equatorial plane of the tyre, this falls far short of disclosing that the crown portions of each deposition section are arranged consecutively side-by-side along a circumferential extension of the toroidal support, as claimed in independent claims 39, 46, and 76-80.

Thus, because Rowley contemplates only overlap by at least part of the crown portion of each successively laid strip on the crown portion of the previously laid strip, it would not have been obvious to form the crown regions by following the Rowley teachings in a side-by-side

relationship. Nor does Frazier disclose arranging the crown portion of each deposition section consecutively side-by-side along a circumferential extension of the toroidal support. As a result, the Examiner's combination of Rowley and Frazier does not render obvious the present invention as claimed in independent claims 39, 46, or 76-80. Therefore, Applicants submit that independent claims 39, 46, and 76-80 are patentable over the cited references, including Frazier, Hollis, Holroyd I, Holroyd II, Laurent, Rowley, and the other art of record.

Section 103(a) Rejections—Dependent Claims

Applicants submit that dependent claims 40-45, 47-57, and 67-75 are patentable over the cited references including Frazier, Hollis, Holroyd I, Holroyd II, Laurent, Rowley, and the other art of record, in particular, at least due to the direct or indirect dependence of claims 40-45, 47-57, and 67-75 from independent claim 39.

Claim Scope

In discussing the specification, claims, abstract, and drawings of the present application in this Amendment, it is to be understood that Applicants are in no way intending to limit the scope of the claims to any exemplary embodiments described in the specification or abstract and/or shown in the drawings. Rather, Applicants believe that Applicants are entitled to have the claims interpreted broadly, to the maximum extent permitted by statute, regulation, and applicable case law.

Summary

In summary, Applicants submit that none of the cited references, including Frazier, Hollis, Holroyd I, Holroyd II, Laurent, Rowley, and the other art of record, either alone or in any proper combination, teaches or suggests Applicants' claimed invention.

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Applicants respectfully request that this Amendment under 37 C.F.R. § 1.116 be entered by the Examiner, placing claims 39-57 and 67-80 in condition for allowance. Applicants submit that the proposed amendments to the Abstract of the Disclosure do not raise new issues or necessitate the undertaking of any additional search of the art by the Examiner, because all of the elements and their relationships claimed were either earlier claimed or inherent in the claims as examined. Therefore, this Amendment should allow for immediate action by the Examiner.

It is respectfully submitted that the entering of this Amendment would allow the Applicants to reply to the final rejections and place the application in condition for allowance.

Finally, Applicants submit that the entry of this Amendment would place the application in better form for appeal, should the Examiner dispute the patentability of the pending claims.

In view of the foregoing amendments and remarks, Applicants submit that this claimed invention, as amended, is neither anticipated nor rendered obvious in view of the prior art references cited against this application. Applicants therefore request the entry of this Amendment, the Examiner's reconsideration and reexamination of this application, and the timely allowance of the pending claims.

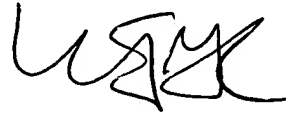
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Please grant any extensions of time required to enter this response and charge any additional required fees to our Deposit Account No. 06-0916.

Respectfully submitted,

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Dated: September 9, 2003

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